

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, September 18, 2001
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. David Henion, Harvest Community Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The Minutes of the regular meeting of September 11, 2001, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS Proclamations were presented.

Motion -- Pisciotte moved that the Resolution/Proclamation for Racial Equality Day be approved. Motion carried
-- carried 7 to 0.

Mayor Knight presented the Resolution.

RESOLUTION NO. 01-401

A Resolution declaring September 19, 2001, as Racial Equality Day in Wichita and urging all citizens to join together and speak with one voice against racism and hatred, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

Motion -- Pisciotte moved that the Resolution/Proclamation in response to the Attack on America be adopted.
-- carried Motion carried 7 to 0.

Mayor Knight presented the Resolution.

RESOLUTION NO. 01-402

A Resolution in support of President Bush, his Cabinet, our Armed Forces, our Federal State, and local law enforcement agencies, and Congress in their efforts to bring justice to the perpetrators of these attacks, and to their accomplices and sponsors, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

YOUTH SERVICE Wichita's Promise – Youth Community Service Awards were presented.

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UNFINISHED BUSINESS

CASA DEL NORTE

REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS - CASA DEL NORTE APARTMENTS. (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-0882A.

On August 7, 2001, the City Council held a public hearing on the request from C.E.R. Corporation, Inc., for a letter of intent to issue industrial revenue bonds in an amount not to exceed \$10,000,000 to finance the costs of developing a multi-family housing project (Casa Del Norte Apartments), located at 505 West 33rd Street North, in north-central Wichita. C.E.R. intends to use the letter of intent as evidence of City support in its application to the State of Kansas for low-income housing tax credits. C.E.R. is also requesting City Council approval of a property tax rebate under the Neighborhood Revitalization Program, equal to all taxes paid on improvements for a period of five years.

In its initial phase of development, Casa Del Norte Apartments will consist of five residential buildings containing a total of 71 units, and an office facility that will include two learning centers and a central laundry room. The proposed project is not only designed to provide a quality apartment living community targeted to (but not limited to) the Hispanic Community, but residents will also have available a full range of educational opportunities to help in adjusting to the American culture and gaining access to the workforce.

The proposed project will be owned by Casa del Norte I, L.P., A Kansas limited partnership whose general partner will be C.E.R. corporation, Inc., a 501(c)(3) corporation. C.E.R. is the local affiliate of S.E.R. Corporation, Inc., a national workforce training organization. The project will be funded with the proceeds of tax-exempt multifamily housing revenue bonds and low-income housing tax credits. It is the intent of the owner to qualify 100% of the apartment units for the tax credit program by reserving the units for tenants whose income does not exceed 60% of the area median income. The City's Tax Credit Policy requires that at least 20% of the units be offered as market-rate units unless there are extenuating circumstances unless an exception is approved by the City Council. The policy allows exceptions to be made in cases where the needs of special populations are being addressed.

An estimated analysis of the Phase I sources and uses of project funds is:

SOURCES OF FUNDS

Bond Proceeds	\$3,995,300
Tax Credit Equity	1,460,082
Developer's Cash	<u>179,569</u>
Total Sources	\$5,634,951

USES OF FUNDS

Land	\$ 70,000
Building Costs	3,986,381
Interest During Construction	154,818
Developer Fee	552,456
Issuance Costs	179,906
FHA Financing Fees	236,752
Other Fees	224,049
Contingency	<u>230,589</u>
Total Uses	\$5,634,951

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It is anticipated that construction of Phase I will proceed immediately and Phase II will start within two years. The firm of Hinkle Elkouri Law Firm, L.L.C., will serve as bond counsel in the financing transaction. The bonds will be underwritten by Froggatte & Company and either privately placed with a financial institution or publicly reoffered to investors.

C.E.R. agrees to comply with the Standard Conditions contained in the City's IRB Policy, with the exception of condition #7, which requires, in part, selection of general contractors based on procedures that do not exclude minority or women-owned firms. C.E.R. has advertised for subcontractors in a way that is inclusive of minority and women-owned firms; however Casado-MacKay, Inc., was pre-selected to serve as general contractor because of its financial interest in the project.

C.E.R. originally requested a property tax abatement on the bond-financed improvements, which is not allowed under current IRB policy. An alternative that is provided for under current policy is a property tax rebate under the Neighborhood Revitalization Program. Under the approved guidelines for this program, the City Council may approve a rebate of taxes on all real property improvements for a term of five years, plus an additional five years, on a case-by-case basis. Staff recommends this approach as an alternative to approving a tax abatement outside of the IRB policy.

C.E.R. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The amount of the proposed tax rebate for Phase I would be approximately \$72,000 per year, of which \$21,000 would be from the City of Wichita, \$20,000 from Sedgwick County and \$31,000 from USD 259.

Bond documents needed for the issuance of the bonds will be prepared by bond counsel. The City Attorney's Office will review and approved the form of bond documents prior to the issuance of any bonds. The public hearing held on August 7, 2001, satisfied the TEFRA hearing requirement in the federal tax code for tax-exempt bonds, as well as the public hearing requirement in the City's policy governing support for low-income housing tax credits. Notices of the tax credit public hearing have been mailed to owners of all property located within 200 feet of the proposed project site. According to the tax credit policy, C.E.R. has presented the project to the District Advisory Board and the Housing Advisory Board.

Allen Bell

Financial Projects Director, responding to questions, explained that the two phases would be two separate bond issues. Bonds cannot be issued without City Council approval. Staff will monitor the project.

It could be made a part of the conditions that if the project is sold the tax rebates would end.

Council Member Fearey

Council Member Fearey expressed concern that no equipment should be brought in off of 32nd Street North and Jackson on Phase II. When construction on the brick-like concrete wall starts, the developer should meet with the neighbors. The complex Manager's phone number should always be available to residents in the area. One-half size basketball courts (two for each phase) should also be provided.

Council Member Fearey also urged the SER Board to meet with the USD 259 School Board regarding impact on schools and, perhaps, the necessity of re-opening of Arkansas Avenue.

Mr. Sumra

Mr. Sumra, responding to questions, said a wall is being planned along the west side and part of the south side of the complex.

Don Folger is paying attention to expanding recreation facilities on each site.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

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Motion --

Fearey moved that the three-year Letter of Intent in an amount not to exceed \$10 million, subject to standard letter of intent conditions w/exception of Condition #7, and with understanding that if property is sold it will be brought back to the City Council; a 100 percent property tax rebate under the Neighborhood Revitalization Program for a term of 5 years, plus an additional five years subject to City Council review; City support for low-income housing tax credits for 100 percent of the project; and with consideration of other issues she and Mr. Samra discussed (no equipment brought in off of 32nd Street North and Jackson at Phase II; the brick-like concrete wall will go along entire west side and part of south side, and when construction of the wall begins, the developer will meet with the neighbors and will provide the neighbors with the Manager's phone number; at least two ½ size basketball courts should be placed at each phase; and the SER Board should meet with USD 259 School Board regarding the impact on schools). Motion carried 7 to 0.

-- carried

SER

SER MULTI-CULTURAL NEIGHBORHOOD CENTER FUNDING ASSISTANCE. (District VI)

Tom Smith

Grants-in-Aid Coordinator reviewed the Item.

Agenda Report No. 01-0004 A.

In February, 1999, the City Council approved a lease with SER Corporation to utilize the City-owned facility located at 2601 North Arkansas for five years. In addition, the City agreed to provide funding to perform necessary repairs to preserve the existing building. Under the terms of the lease, the SER Corporation was to be responsible for any building modifications to house the proposed services. Following the execution of the lease, the SER group sought to expand the facility or to find other larger space that would economically house their operations and related uses.

An architect was hired to provide cost data on remodeling the building and parking improvements, providing an addition to the existing building and/or constructing a new building. Following the issuance of this architectural report, SER requested that the building be demolished to allow for a new building to accommodate all of the requests for space. This request was referred to the Park Advisory Board who recommended against demolition of the existing building.

Following this action, SER initiated a search for another location (within the northeast area) that might best meet its long-term needs. Several sites have been identified for possible acquisition.

Analysis: SER has located several properties that would meet its current and future needs in the vicinity of West 21st Street for use as a Multi-Cultural Neighborhood Center. To assist in the acquisition of the property, the SER Board requested financial support from the City. On January 9, 2001, the City Council approved a Community Development Block Grant (CDBG) loan in the amount of \$300,000 to acquire another facility. Under the conditions, SER would have to provide the balance of the project financing from private sources.

The CDBG contract provided SER a funding period of approximately seven months to consummate the purchase of property. The executed CDBG contract expired September 10, 2001. On August 16, 2001, staff contacted SER and requested they provide an update on the status of the project. On August 31, 2001, the SER Board responded and requested additional time to spend the CDBG loan.

The City Council has several options. It can extend the contract, require the SER to reapply for funding under a new funding period, or withdraw the funding proposal because of the lack of action on acquiring property.

The City Council has the legal authority to extend the contract or to deny the request for an extension of time. If an extension is granted, it is suggested the contract be extended until June 30, 2002, which is the end of the CDBG fiscal year.

Sam Daley

Sam Daley, representing SER Corp., responding to a question regarding possible sites, said SER is looking at another site in District VI. The bowling alley site is on hold.

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Council Member Fearey Council Member Fearey expressed concern that the City might not be good stewards of federal funds by extending the loan time. Residents in the area were adamant that SER be given until September 10th, 2001.

Mayor Knight Mayor Knight said SER is doing its best and is trying to relocate.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Fearey moved that the funding to SER for an additional three months, through December 31, 2001, be approved. Motion carried 7 to 0.
-- carried

NEW BUSINESS

FEIST IRB

ISSUANCE OF INDUSTRIAL REVENUE BONDS – FEIST PUBLICATIONS, INC. (District II)

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 01-1042.

On June 5, 2001, City Council approved a six-month Letter of Intent to issue Industrial Revenue Bonds in the amount not-to-exceed \$4,700,000 to Feist Publications. The funds will be used for the purpose of financing the cost of acquiring, constructing and equipping a two-story corporate headquarter office building to be located at 3020 N. Cypress in northeast Wichita, near Webb Road and 29th Street North. City Council also approved a 100% five-plus-five year tax abatement with payment-in-lieu-of taxes. Construction is nearly complete and Feist Publications is requesting the issuance of Industrial Revenue Bonds at this time, in the amount not-to-exceed \$4,700,000.

Feist Publications, Inc., is a publisher of telephone directories in Kansas, Oklahoma and Texas. Feist Publications started in Spearville, Kansas in 1978, and opened its first branch office in Wichita in 1985, and is currently located at 118 South Main.

There are nineteen directories covering trade area and metropolitan areas including Wichita, Oklahoma City, Lubbock, and Kansas City. These directories include white page and yellow page information. The directories are delivered free to each household and business in the area served. Revenues are generated from the sale of advertising in the yellow pages. Offices are located in the metropolitan areas listed and also Spearville, KS. Feist currently employs approximately 270 people in those offices and plans to add 200 new jobs over a 10-year period.

An analysis of the uses of project funds is:

USES OF FUNDS

Building	\$3,050,000
Remodeling Costs	1,508,000
Other Financing Costs	120,000
Contingency	<u>22,000</u>
Total cost of Project	\$4,700,000

The proposed bond issue was used to finance the construction of a 48,000 sq. ft. building that was constructed by local developer Casey Backrodt and will be leased to Feist Publications. Feist will initially occupy approximately 15,000 sq. ft. as its corporate headquarters and sublease the balance of the building to other non-retail, office tenants. It is Feist's intention to gradually take over the entire building by moving customer-service and marketing functions to Wichita from other Feist offices, over a ten-year period.

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City staff and Feist Publications have negotiated the terms of a property tax abatement designed to abate the taxes only on property actually occupied by Feist. Under this arrangement, all bond-financed improvements will be subject to a 100% five-year abatement, plus a second five years subject to Council review and approval. Each year of the abatement period, Feist will pay the City a "payment-in-lieu-of-taxes" equal to the prorated amount of taxes that would have been due on the portion of the building not occupied by Feist, based on current appraised value and current tax rates.

The firm of Hinkle Elkouri Law Firm, L.L.C., serves as bond counsel in the transaction. Froggatte & Company has agreed to underwrite the bonds. Feist Publication has complied with the Standard Conditions contained in the City's IRB Policy with the exception of the requirement that the IRB recipient use procedures for selection of contractors, subcontractors, engineers, architects and suppliers that do not exclude minority and women-owned businesses. The construction work had already begun before Feist approached the City to discuss IRBs and tax abatement.

Wichita State University Center for Economic Development and Business Research has conducted a cost-benefit analysis. The results are as follow:

City of Wichita	2.25 to one
Sedgwick County	1.80 to one
USD 375	1.46 to one
State of Kansas	3.88 to one

Feist Publication agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. It is estimated that the proposed property tax abatement will save Feist Publications \$37,600 per year.

Bond documents required for the issuance of bonds will be prepared by bond counsel. The City's Attorney's Office will review and approved the form of all bond documents prior to the issuance of any bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Pisciotte moved that the public hearing be closed and first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$4,700,000, be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$4,700,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series IX, 2001 (Feist Corporate Center Project) for the purpose of providing funds to purchase, acquire, construct and equip a commercial facility; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Intrust Bank, N.A., as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and Bric Development, L.L.C.; approving the form of a Guaranty Agreement and Limited Guaranty Agreement; approving the sublease of the project to Feist Publications, Inc.; authorizing the execution of a Bond Placement Agreement by and between the City, Bric Development, L.L.C., Feist Publications, Inc. and Intrust Bank, N.A. as purchaser of the Bonds, introduced and under the rules laid over.

HUD

HUD CONSOLIDATED PLAN ANNUAL PERFORMANCE REPORT.

Tom Smith

Grants-in-Aid Coordinator reviewed the Item.

Agenda Report No. 01-1043.

The City is required to prepare an annual performance report for projects covered by the HUD Consolidated Plan. The report includes activities of the Community Development Block Grant

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(CDBG), Emergency Shelter Grant (ESG), and the HOME Investment Partnerships (HOME) programs. The report covers the period from July 1, 2000 through June 30, 2001.

During the reporting period, residents received direct benefits from CDBG financed capital improvements, housing and public services. Under the CDBG program beneficiaries totaled 21,382 low and moderate-income persons. In addition, the program provided 11,033 square yards of concrete for streets, sidewalks and driveway improvements, 13,241 square yards of asphalt for street improvements, rehabilitation and construction of four Mini-City Halls, 7 neighborhood clean-ups, and 352 housing units were rehabilitated. Public Service programs served 16,411 low and moderate-income persons. The HOME program assisted 24 households to secure affordable housing and 13 households received rehabilitation assistance through the Deferred Loan Program. In addition, the Eaton Block Redevelopment project provides 26 units of affordable housing. The Emergency Shelter Grant provided services to 4,122 persons (cumulative) by providing short-term shelter, case management and other services.

Total expenses from all funding sources of the Consolidated Plan were \$6,556,895. The expenditures consist of \$4,040,550 for the CDBG program; \$2,383,345 for HOME Investment Partnerships program; and \$133,000 for Emergency Shelter programs.

The City is required to provide an opportunity for citizens to review and comment on the performance report prior to submitting the performance report to the U.S. Department of Housing and Urban Development (HUD). HUD regulations also require a public hearing. On August 25, 2001, the City published a notice in the Wichita Eagle and the Kansas City Globe accepting public comments until September 10, 2001. No comments were received. The Performance Report was also made available to District Advisory Boards, and copies of the report were available for public review in the Finance Department, City Council office and all branch libraries.

Mayor Knight	Mayor Knight inquired if anyone wished to be heard.
Bob Connor	Bob Connor expressed thanks for some of the projects completed in the northeast area.
Motion --	Knight moved that the public hearing be closed, the HUD Consolidated Annual Performance Report be received and filed; and submission to the U.S. Department of Housing and Urban Development be authorized. Motion carried 7 to 0.
-- carried	

NAMING FACILITIES NAMING OF PUBLIC FACILITIES.

Chris Cherches City Manager reviewed the Item.

Agenda Report No. 01-1044.

City Council Policy 13 specifies the requirements for naming public facilities "...in accordance with their intended use and, where appropriate, to recognize distinguished citizens by naming public facilities in their memory."

The committee reviewed requests submitted by citizens wishing to recognize three Wichitans. First, the Committee reviewed a petition submitted by the Charles "Goose" Doughty, Jr. Tennis Foundation to name the tennis facility in McAdam's Park after Mr. Doughty. The petition points to Mr. Doughty's more than 40-year commitment to teaching tennis to youth in northeast Wichita. It was also noted the he worked tirelessly to ensure the tennis facility at this park were on par with others in the City.

The Committee also reviewed a proposal to develop a new park in the North End area of Wichita at 25th St North and Wellington Place. This proposal was submitted by Friends and Family of Pat Garcia who wished to develop the park in his honor. Garcia was a respected leader in the Hispanic community who served in Congressman Dan Glickman's office in Washington and in Wichita for many years; he was also involved in philanthropic causes and community groups, particularly ones that served veterans interests and offered job training. Mr. Garcia's Friends and Family will collect the funds necessary to develop the portion of the property located at this intersection at a memorial to Garcia and veterans who

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lived in the North End. In return, the City will agree to maintain the park and include it in the City's park system.

An Advisory Committee consisting of seven members—one nominated by the Mayor and one nominated by each Council Member—was established to receive the nominations and names for these public-owned facilities.

The Advisory Committee met Wednesday, September 5, 2001 to discuss possible names and make a recommendation to the Mayor and Council. The Committee decided to unanimously recommend the naming of the aforementioned facilities. One of the individuals is deceased.

Financial Considerations are cost of signage and maintenance of the park facilities.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the tennis facility located at McAdam's Park be named the "Charles 'Goose' Doughty, Jr. Tennis Facility"; and the proposed park located at 25th Street North and Wellington Place be named the "Pat Garcia Veterans Memorial Park." Motion carried 7 to 0.

-- carried

CITY COUNCIL AGENDA

APPOINTMENTS

APPOINTMENTS

No appointments were made.

CONSENT AGENDA

Knight moved that the Consent Agenda be approved. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED SEPTEMBER 17, 2001.

Bids were opened September 14, 2001, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

2001 contract maintenance raising and under-sealing concrete slabs by foam jacking - north of Mac Arthur & West of Hoover. (472-83349/706809/405274) Traffic to be maintained during construction using flagpersons and barricades. (Districts III and IV)

Uretek USA, Inc. - \$99,996.40 (Engineer's estimate)

2001 contract maintenance asphalt street repairs and quickset slurry seal - north of 55th South, east of 119th Street West. (472-83426/706809/405274) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V and VI)

Ferguson Paving - \$300,000.00 (Engineer's estimate)

Gravity sewer to replace Lift Station No. 17, Kinkaid Park Fifth Addition - south of Pawnee, east of Broadway. (468-82526/620305/661429) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Utility Contractors - \$78,935.00

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Lateral 258, Main 5, Sanitary Sewer #22 to serve Fruitvale Park Addition - north of 3rd, west of Anna. (468-82120/743853/480541) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Wichita Excavation - \$4,020.00

Lateral 34, Main 24, War Industry Sewer to serve Remington Place Addition - south of 21st Street North, east of Webb. (468-83246/743885/480573) Does not affect existing traffic. (District II)

WB Carter Construction - \$161,000.00

16-inch water line crossing 21st Street North at 119th Street West - 21st Street North at 119th Street West. (448-89419/635618/769678) Traffic to be maintained during construction using flagpersons and barricades. (District V)

H D Mills & Sons - \$30,997.50

Water distribution system to serve Remington Place Addition - south of 21st Street North, east of Webb. (448-89568/735027/735027) Does not affect existing traffic. (District II)

K C Excavating - \$53,600.00

Morris, from the east line of Lot 53, Block 1 Harrison Park Second Addition to the west line of Lot 30, Block 1, Harrison Park Second Addition; Red Oaks Circle; from the north line of Morris to an including cul-de-sac (Lots 30-53, Block 1); and Red Oaks; from the south line of Morris to the south line of Lot 1, Block 1 to serve Harrison Park Second Addition - east of Webb, north of Lincoln. (472-83394 /765693/490804) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$135,211.25

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Emulsified Asphalt. (132225)

Vance Brothers Inc. - \$0.69 (Cost per gallon/includes freight and pumping charges)

FINANCE DEPARTMENT/GOLF COURSE DIVISION: Self-contained Turf Sprayers. (170258)

Outdoor Equipment - \$62,953.00 (Total net base bid)
<\$ 3,000.00> (Option 1 <deduct>)

AIRPORT DEPARTMENT/OPERATIONS DIVISION: VHF Air Band Transceiver. (190025)

Bevan Rabell Inc. - \$14,937.00 (Total net bid)

AIRPORT DEPARTMENT/ENGINEERING DIVISION: 2001 Roof Replacement Program at Wichita Mid-Continent Airport. (500870)

Roofworks L.L.C. - \$415,692.00 (Lump sum total/groups 1,1A,2,3,4 & 5)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

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LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
Jose Hernandez	Hernandez Mexican Café*	1533 South Seneca
Maria E. Maskrid	El Matador Lounge	2033 South Broadway
<u>New Operator</u>	<u>2001</u>	<u>(Consumption off Premises)</u>
Thuy Thi Thu Nguyen	Quick Pick	3733 North Arkansas

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- carried Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Subdivision Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 2001 contract maintenance reinforced concrete box culvert on Bunker Hill at George Washington Boulevard - Bunker Hill and George Washington Boulevard. (472-83420/132710/) Road closure on Bunker Hill. (District III) - \$30,000
- b) Water distribution system to serve Harrison Park 2nd Addition - east of Webb, north of Lincoln. (448-89587/735023/470693) Does not affect existing traffic. (District II) - \$37,000
- c) Water distribution system to serve The Courts II Addition - south of 29th Street North, east of Oliver. (448-89579/735025/470695) Does not affect existing traffic. (District I) - \$50,000
- d) Water distribution system to serve Auburn Hills 13th Addition - west of 135th Street West, south of Maple. (448-89610/735024/470694) Does not affect existing traffic. (District V) - \$157,000
- e) 2001 contract maintenance brick paver and enhancement of arterial medians - north of Kellogg on Webb Road. (472-83340/132710/) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$105,494
- f) Sandwedge Circle from the westerly line of Lot 4, Block B, east to and including the cul-de-sac to serve Auburn Hills 11th Addition - east of 151st Street West, north of Kellogg. (472-83403/765692/490803) Does not affect existing traffic. (District V) - \$117,000
- g) Jewell from the west line of the plat, east to the east line of the plat, on Milstead from the south line of Jewell, south to the east line of Lot 24, Block B, and on Golden Hills from the south line of Jewell, south to the south line of Lot 2, Block F, Jewell Court from the north line of Jewell, north to and including the cul-de-sac. Sidewalk along one side of Jewell from the west line of the plat to the east line of the plat, along one side of Milstead from the south line of Jewell, south to the east line of Lot 24, Block B, and on Golden Hills from the south line of Jewell, south to the south line of Lot 2, Block F to serve Flat Creek Addition - east of 119th Street West, north of Pawnee. (472-83383/765684/490795) Does not affect existing traffic. (District V) - \$490,000
- h) 2001 sanitary sewer reconstruction Phase 6 - north of Kellogg, west of Webb Road. (468-83309/620322/ 661446) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II and VI) - \$139,000

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- i) 2001 sanitary sewer rehabilitation, Phase F - east of Hillside, north of 21st Street North. 468-83310/620323 /661447) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$429,000
- j) Lateral 307, Four Mile Creek Sewer to serve Harrison Park Second Addition - east of Webb, north of Lincoln. (468-83275/743881/480569) Does not affect existing traffic. (District II) - \$65,000
- k) Lateral 8, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills 13th Addition - south of Maple, west of 135th Street West. (468-83312/743882/480570) Does not affect existing traffic. (District V) - \$229,000
- l) Lateral 72, Main 5, Sanitary Sewer 23 to serve The Courts II Addition - south of 29th Street North, east of Oliver. (468-83257/743883/480571) Does not affect existing traffic. (District I) - \$110,000
- m) Storm Water Drain 174 to serve YMCA South Addition - west of Meridian, north of I-235. (468-83294/751300 /485191) Does not affect existing traffic. (District IV) - \$125,700
- n) Water distribution system to serve West Ridge Estates - south of 29th Street North, east of 119th Street West. (448-89472/735022/470692) Does not affect existing traffic. (District V) - \$147,000
- o) Water distribution system to serve Hanley Commercial Addition - south of 21st Street, east of Webb. (448-89609/735026/470696) Does not affect existing traffic. (District II) - \$53,000

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

PAVE SANTA FE

PAVE SANTA FE, BETWEEN 14TH STREET AND 15TH STREET. (District VI)

Agenda Report No. 01-1045.

The signatures on the Petition represent four owners of 100% of the improvement district area.

The street provides access to an industrial area.

The estimated project cost is \$170,000 with the total assessed to the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by the owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-388

Resolution of findings of advisability and Resolution authorizing improving of the Santa Fe, from the north line of 14th Street North to the south line of 15th Street North, 472-83432, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SANITARY SEWER

CONSTRUCT SANITARY SEWER TO SERVE UNPLATTED TRACT ON THE EAST SIDE OF 119TH STREET WEST, NORTH OF PAWNEE. (District V)

Agenda Report No. 01-1046.

The Petition has been signed by two owners, representing 100% of the improvement district.

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This project will provide sewer service to a home on the east side of 119th Street West, 1/3 mile north of Pawnee.

The Petition totals \$3,140. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-389

Resolution of findings of advisability and Resolution authorizing construction of Lateral 468, Southwest Interceptor Sewer Phase 2, (east of 119th West, north of Pawnee) 468-83326, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PAVE GARNETT

PAVE GARNETT STREET TO SERVE 127TH RETAIL ADDITION – SOUTH OF CENTRAL, WEST OF 127TH STREET EAST. (District II)

Agenda Report No. 01-1047.

On February 8, 2000, the City Council approved a Petition to pave Garnett Street adjacent to 127th Retail Addition. The developers have submitted a new Petition that extends the amount of Garnett to be paved. The signatures on the Petition represents 100% of the improvement district.

127th Retail Addition is a new retail development on the south side of Central, west of 127th Street East.

The original budget was \$56,000. The new budget is \$88,000.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-390

A Resolution amending Resolution No. R-00-353 pertaining to the improving of Garnett from the south line of Central Avenue, (south of Central, west of 127th Street East) Project No. 472-83194, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

WATER SYSTEM

CONSTRUCT WATER DISTRIBUTION SYSTEM TO SERVE ASCENSION LUTHERAN CHURCH SECOND ADDITION – SOUTH OF MAPLE, WEST OF 119TH STREET WEST. (District V)

Agenda Report No. 01-1048.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will provide water service to a new church building on the south side of Maple, west of 119th Street West.

The Petition totals \$7,600. The funding source is special assessments.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-391

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89619 (south of Maple, west of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

IMPROVEMENTS

PAVING, SANITARY SEWER, AND WATER DISTRIBUTION SYSTEMS TO SERVE ROCKY CREEK AND ROCKY CREEK SECOND ADDITIONS – NORTH OF 13TH STREET, EAST OF 127TH STREET EAST. (District II)

Agenda Report No. 01-1049.

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer and water service to a new residential development, located north of 13th, east of 127th Street East.

The Petitions total \$754,600. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-392

Resolution of findings of advisability and Resolution authorizing improving of Water Distribution System Number 448-89617, (north of 13th Street, east of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-393

Resolution of findings of advisability and Resolution authorizing improving of Water Distribution System Number 448-89620, (north of 13th Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-394

Resolution of findings of advisability and Resolution authorizing improving of Lateral 316, Four Mile Creek Sanitary Sewer 468-83325, (north of 13th Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 01-395

Resolution of findings of advisability and Resolution authorizing improving of the Rocky Glen from the south line of Lot 49, Block 6 Rocky Creek Addition to the south line of Tallowood. A sidewalk shall be constructed on the west side of Rocky Glen from the south line of Lot 49, Block 6 Rocky Creek Addition to the south line of Tallowood, (north of 13th Street, east of 127th Street East) 472-83431, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-396

Resolution of findings of advisability and Resolution authorizing improving of Tallowood from the east line of Lot 64, Block 6, Rocky Creek, to the east line of Lot 55, Block, 6, on Castlewood/Glen Weed from the east line of Lot 7, Block 2, Rocky Creek Second, to the south line of Tallowood, on Tallowood Court, serving Lots 64 through 74, Block 6, Rocky Creek, from the north line of Lot 74, Block 6, to and including the cul-de-sac. A sidewalk shall be constructed on the south side of Tallowood from the east line of Lot 64, Block 6, Rocky Creek Addition (north of 13th Street, east of 127th Street East) 472-83433, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CLAIMS

REPORT ON CLAIMS ALLOWED - AUGUST 2001:

<u>Name of Claimant</u>	<u>Amount</u>
Patricia Henry for Old Town Gen. Store	\$ 800.00
Tana Newsom	\$ 868.24**
Connie Franklin	\$ 467.29
Rebecca Kassner	\$1,260.51
Joyce E. Goolsby	\$ 475.37
Sheila S. Davis	\$ 658.08

Motion -- carried Knight moved that the report be received and filed. Motion carried 7 to 0.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

AIR EMISSIONS ENVIRONMENTAL HEALTH CONTRACT – AIR EMISSIONS INVENTORY.

Agenda Report No. 01-1050.

Ground level Ozone is an air pollutant that is required to be monitored under the federal Clean Air Act. Stricter federal air standards, coupled with local trends regarding ozone, have resulted in the necessity to conduct an inventory of local air quality with an emphasis on mobile and area sources of air emissions. To better quantify these air emission sources the Kansas Department of Health and Environment has provided funding for the inventory. On July 24, 2001 the City Council authorized staff to negotiate a contract with EH Pechan to conduct a local air emissions inventory. A contract and scope of work has been completed for this purpose.

The contract is in a not to exceed amount of \$75,000, and will provide an inventory of mobile and area sources of pollution. This study of ozone creating activities will focus on emissions from vehicular traffic, fueling and storage operations, painting, and related activities that produce ozone generating compounds. Since these sources of pollution are more difficult to quantify they have not been

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previously addressed locally with this type of study. This endeavor will provide the community with a valuable tool to assist in the development of local strategies related to air quality improvement and continued compliance with to the federal Clean Air Act. Compliance or attainment with the nation's air quality goals is not only a community benefit for public health, and the environment, but is critical to continued economic growth and vitality of the community.

KDHE has provided the local Air Quality program with funding in the amount of \$75,000 for the purpose of conducting the inventory.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

TERRENET SERV.

JUSTICE PUBLIC SAFETY SYSTEM COMPUTER SERVICES CONTRACT EXTENSION.

Agenda Report No. 01-1051.

In May 2000, the City contracted with Terrenet Services to assist with the implementation of the TRW E*Justice Public Safety System. This contract was valid through August 2001.

In May 2001, the Public Safety project was expanded. Subsequently the implementation date was extended to February 2002. Therefore, it is requested to extend the contract with Terrenet Services through the implementation of E*Justice and the three month post implementation phase.

The contract extension in the amount of \$46,900 will be funded from the Police Department COPS Technology Grant, if applicable, or the Public Safety System Project fund contingency.

Motion --
-- carried

Knight moved that the Agreement/Contract and budget transfers be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

CHENEY IRRIG.

MEMORANDUM OF UNDERSTANDING FOR COST-SHARE IRRIGATION DEMONSTRATION PROJECT.

Agenda Report No. 01-1052.

Cheney Reservoir and the Equus Beds are the primary sources of Wichita's water supplies. On August 24, 1993, the City Council approved assuming part of the cost-share to allow landowners in the Cheney Reservoir watershed to implement "Best Management Practices." Sedgwick County had agreed to the original MOU (on April 3, 2001), then made unilateral changes to the document and returned it for approval.

Subsurface Drip Watering Irrigation is an emerging technology and will be a valuable tool for "Best Management Practices." The technique uses buried strips to disperse water and materials below the land surface. Since there has been little full-scale testing of the new technology, the City is being asked to participate in a multi-year test on an 80-acre field near the Arkansas River in the Equus Beds.

Cost for the three-year project is estimated to be \$125,000. The City will contribute \$10,000 towards the project. Other participants are Sedgwick County (\$10,000), the landowner-Bruce Seiler (\$20,000), KDHE and KCARE (\$45,000), and KDHE and Kansas State University contributing in excess of \$40,000 in testing and services. Funding for the project will come from CIP W-549, Water Supply Plan (Phase III), which allocated over \$6,000,000 in 2000 for water supply projects.

Motion --
-- carried

Knight moved that the Memorandum of Understanding be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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K-15 HWY IMPR.

SOUTHEAST BOULEVARD (K-15 HIGHWAY) IMPROVEMENTS, BETWEEN THE KANSAS TURNPIKE AND I-135 EXPRESSWAY. (District III)

Agenda Report No. 01-1053

On April 17, 2001, the City Council approved a project to construct a third northbound lane along Southeast Boulevard from 31st Street South to I-135. Recently, the Kansas Department of Transportation (KDOT) agreed to fund half the cost, up to \$350,000, of a major maintenance project to improve Southeast Boulevard from the Kansas Turnpike to I-135.

In order to minimize traffic disruption during construction, the two projects should be combined into one construction contract.

The estimated project cost is \$740,000, with \$100,000 funded by City General Obligation Bonds, \$350,000 by KDOT, and \$290,000 by City Street Maintenance funds.

Motion --
-- carried

Knight moved that the project be approved; the Ordinance be placed on first reading; and the necessary signatures on Contracts be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring southeast boulevard, between the Kansas Turnpike and I-135, 472-83363, to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

TRAFFIC SIGNAL

2001 TRAFFIC SIGNAL PROGRAM. (Districts I, V, and VI)

Agenda Report No. 01-1054.

The City's Capital Improvement Program includes a project for traffic signal improvements at various locations. Intersections meeting certain requirements are eligible for Federal grants administered by the Kansas Department of Transportation on a 90% Federal/10% local basis.

The proposed six locations contained in the 2001 program are: 1st at St. Francis; Market at Lewis; Market at English; English at Topeka; Emporia at English; Emporia at 3rd ; and Harvest at Maize. Three downtown locations are eligible for Federal funding. The signal at Harvest and Maize Road is a pedestrian signal and is not eligible for Federal funding.

The estimated project cost is \$645,000 with \$420,000 paid by the City and \$225,000 by Federal grants. The funding source for the City share is General Obligation Bonds. The budget contained in the 2001 Capital Improvement Program is \$210,000. The additional funding for the project is available within the 2001 Intersection Improvement Program.

Motion --
-- carried

Knight moved that the project be approved; the Ordinance be placed on First Reading; the Staff Screening and Selection Committee be authorized to select design engineers; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring the intersections of First Street as St. Francis, Market at Lewis, Market at English, English at Topeka, Emporia at English, Emporia at Third Street, Topeka at Third Street and Harvest at Maize (2001 Traffic Signalization Program) 472-83367, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

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WATER STUDY

ARKANSAS RIVER WATER QUALITY STUDY - PHASE 1B.

Agenda Report No. 01-1055.

On Feb 13, 2001 the Council approved a contract with the environmental engineering firm of HDR Inc, for a water quality study of the Ark River. The study and contract contain authorization for Task 1a and 1b HDR has completed Phase 1a involving identification of target areas negatively impacting Ark River water quality and has presented its preliminary findings at the Council retreat. Authorization is needed to complete phase 1b of the study.

The approved contract already contains the scope of work for phase 1b. Phase 1b consists of final field verification of data, early warning system feasibility to predict fecal coliform levels prior to community events using the river for recreational purposes, initial review of applicability of best management practices for water quality improvements and the submission of the final phase 1 report in both written and electronic format with findings and recommendation for future Phase 2 work plan.

Funding for both Phase 1a and 1b is budgeted from the \$300,000 Congressional appropriation and EPA grant to the City of Wichita

No additional contract is needed to complete Phase 1 of the project.

Motion -- carried

Knight moved that the Phase 1b be authorized. Motion carried 7 to 0.

CHANGE ORDER

CHANGE ORDER – LAWRENCE-DUMONT STADIUM IMPROVEMENTS. (District IV)

Agenda Report No. 01-1056.

On February 13, 2001, the City Council approved the selection of the construction company Hahner, Foreman & Harness, Inc. to construct improvements and modifications to Lawrence-Dumont Stadium as designed by HOK Sport Inc. The modifications to Lawrence-Dumont stadium are necessary to bring the stadium and playing field into compliance with the Royals Agreement and the Major League's baseball standards.

The additional modifications requested through this Change Order are required to complete construction of the approved improvements to Lawrence-Dumont Stadium and result from the requirement that the drainage of the outfield and the area directly adjacent to and surrounding the outfield must be rerouted through the installation of a concrete flume, concrete retaining walls and an underground drainage system to prevent ponding on the playing field and in the park area surrounding the outfield. The additional modifications are required to meet Royal's requirements, ensure player and fan safety and complete the planned enhancements.

The Change Order in the amount of \$124,004.00 will be funded by previously approved CIP project for Lawrence-Dumont Stadium with a total budget approved of \$3,707,000. Combined expenditures and encumbrances of \$2,875,950.31 leave a remaining balance of \$381,726.40 to complete the proposed Change Order work.

The Change Order amount is within 25% of the construction Contract cost limit set by City Council policy. Change Orders over \$10,000 require City Council approval. The Change Order has been approved as to form by the Law Department.

Motion --
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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ODOR CONTROL

PURCHASE AND TESTING OF ODOR CONTROL PRODUCT.

Agenda Report No. 01-1057.

Sewage Treatment utilizes ferrous chloride for odor control in the collection system and at Plant #1. Ferrous chloride is an iron salt that reacts with hydrogen sulfide precipitating the dissolved chemical, thus eliminating odors and corrosion. Due to iron concentrations in the plant effluent, which could impede UV disinfection and the potential of cost reductions for odor control, Staff began testing a biological stimulant (Byo-gon PX-109) for odor control on a limited basis in March of 1999.

Effluent iron concentrations are currently above the 0.3 mg/L threshold that UV manufacturers indicate will cause lamp plating problems on UV bulbs. Byo-gon PX-109 does not contain iron and inhibits the production of dissolved sulfides, hydrogen sulfide gas, and the accompanying odors by promoting rapid growth and metabolism of aerobic and facultative anaerobic microbes. Positive results from product testing, which began full-fledged late in 2000, indicate expansion of the trial period for another 120-days to complete one full year. The product would be supplied and administered by the vendor with Staff performing analytical analysis to support performance of the product.

The cost for Byo-gon PX-109 for a 120-days is \$115,000. Cost will be offset by reduction in cost of not utilizing ferrous chloride during this period. Funds are available for FY2001 in the amount of \$495,000 in Odor Control Chemicals.

Purchasing Ordinance No. 35-856, Section 2(b) provides for the purchase of equipment and supplies from sole sources without advertising for bids. Purchase will be made from B&T Ag Distributing, Inc.

Motion --
-- carried

Knight moved that the expansion of testing and the purchase from the sole source vendor be approved. Motion carried 7 to 0.

BUDGET ADJUST.

BUDGET ADJUSTMENT – STREET SWEEPINGS SCREENER.

Agenda Report No. 01-1058.

Brooks Landfill will close on October 9, 2001. The City has obtained a permit to operate a Construction and Demolition (C&D) landfill at the Brooks site beginning October 10th.

The Street Cleaning Section of the Public Works Maintenance Division hauls an average of 70,000 tons of street sweepings to Brooks Landfill annually, of which about 2% is solid waste. Under the current operating agreement, sweepings are dumped free of charge. The proposed cost of disposal at the new transfer station is \$38 per ton. Hauling all of the City's sweepings to the transfer station would result in an annual cost of approximately \$2,660,000.

The C&D permit for Brooks allows disposal of street sweepings if the solid waste has been removed. A screening machine has been tested and would remove the solid waste, allowing the City to meet the KDHE requirement. Screening of the material would enable the City to dispose of 98% of the sweepings at the C&D site.

The purchase price of a screening machine with dust suppression equipment is estimated at \$150,000. The estimated cost avoidance by using the screening machine is \$2,607,000 annually.

A screening machine has been fully tested and determined to meet the KDHE permit requirements. Bids will be solicited for the screening machine.

The 2001 Revised Landfill budget includes \$880,000 in contingent funds to operate a C&D landfill and purchase necessary capital equipment. However, \$150,000 must be moved from contingency to capital outlay to purchase the screening machine.

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Budget transfers over \$10,000 must be approved by the City Council.

Motion -- carried

Knight moved that the budget be approved. Motion carried 7 to 0.

BUDGET ADJUST.

BUDGET ADJUSTMENT – MINI CITY HALL EQUIPMENT.

Agenda Report No. 01-1059.

The mini City Hall program is designed to provide citizens with the opportunity to conveniently access services from neighborhood-based facilities. In addition to other departments, both OCI staff and community policing officers will have offices at these locations. The four mini City Halls will be equipped with the same level of technology available at City Hall.

The 2002 Adopted budget includes funding for mini City Hall costs beginning in 2002 for eight WPD and OCI computer workstations, phone lines, and required line charges. However, WPD and OCI staff are now planning on providing service from the new mini City Hall locations by early October 2001. The computer workstations and phones are critical to the effective and efficient use of the mini City Halls by WPD and OCI staff.

The required computers are presently budgeted in the Police and OCI budgets for 2002. This expenditures authority is now needed in 2001. There are sufficient funds in the Office of Central Inspection Reserve Account to cover the 2001 budget increase of \$13,570. The Police Department has sufficient savings in Personal Services to fund the proposed budget adjustment of \$14,530.

Motion -- carried

Knight moved that the budget be approved. Motion carried 7 to 0.

PROPERTY ACQ.

CONDEMNATION AWARD TO ACQUIRE PROPERTY: WEST KELLOGG IMPROVEMENTS. (District V)

Agenda Report No. 01-1060.

Earlier this year, the City Council authorized the acquisition (by eminent domain) of four tracts of land along West Kellogg in connection with the project to improve the highway. The court- appointed appraisers have filed their report of the value of the four tracts.

The award for Tract 2 (Oren Smith—11710 W. Kellogg) is \$405,000. The award for Tract 7 (Act Auto-11323 W. Kellogg) is \$294,000. The award for Tract 38 (David Hake-10207 W. Kellogg) is \$43,500. The award for Tract 10B (Lamar Sign-billboard at 9208 W. Kellogg) is \$130,000.

For the City to obtain title to these tracts of land it must pay the amount of the award, together with costs and appraisers' fees, into the Clerk of the District Court on or before September 28, 2001. Acquisition of all four of these tracts is necessary in order for the City to have the required right-of-way to construct the planned improvements to West Kellogg.

The cost of acquiring this property will be paid out of the highway improvement project.

In order acquire the tracts, it is necessary to pay the award, together with court costs and fees, to the Clerk of the District Court on or before September 28, 2001.

Motion --

-- carried

Knight moved that the payment to the Clerk of the District Court of the appraisers' award in the amount of \$772,500, together with the related costs and fees of \$30,101.50, for acquisition of the four tracts in connection with the West Kellogg improvements, be authorized. Motion carried 7 to 0.

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EMINENT DOMAIN ACQUISITION OF RIGHT-OF-WAY: EAST KELLOGG IMPROVEMENT PROJECT.

Agenda Report No. 01-1061.

The East Kellogg/Woodlawn Improvement Project was released for active acquisition in December 2000. Three of the tracts were located in Eastborough and were acquired by KDOT via eminent domain. The tracts and awards were as follows: 26 Lakeside, Charles Lambertz, \$155,000; 17 Peachtree, Gerhardt Meyer, \$210,000; and 83 Mission, Mohammad Shiwari, \$130,000.

For the City to fulfill its agreement KDOT, it must pay the amount of the award, together with costs and appraisers' fees to KDOT. Acquisition of the three tracts is necessary in order for the City to have the required right-of-way to construct the planned improvements to East Kellogg.

The cost of these acquisitions will be paid out of the highway improvement project.

In accordance with the City/State agreement for the highway project, the City must reimburse KDOT for the cost of these properties.

Motion -- Knight moved that payment to KDOT in amount of \$505,800 for acquisition of three tracts and related
-- carried costs and fees in connection with the East Kellogg project be authorized. Motion carried 7 to 0.

GOLDEN C LIMO. APPROVAL OF CERTIFICATE OF CONVENIENCE AND NECESSITY FOR GOLDEN C LIMOUSINE.

Agenda Report No. 01-1062.

On September 7, 2001, Wichita Transit staff received an application from Ms. Margaret Cox d/b/a Golden C Limousine, for a Certificate of Convenience and Necessity to operate a charter limousine service in Wichita, Kansas. The application included support documentation, an insurance policy meeting code requirements, payment of fee, listing of employees' names for police records check purposes and a vehicle inspection report. This company currently has one limousine.

If approved for a license, Golden C Limousine will become the seventh licensed charter limousine service in the City of Wichita. This will be an added resource to those persons needing transportation services for special occasions.

There will be no financial impact on the City of Wichita.

The Department of Law is reviewing the Certificate of Convenience and Necessity and the policy of insurance submitted by Ms. Margaret Cox d/b/a Golden C Limousine. Approval is pending.

Motion -- Knight moved that the Certificate of Convenience and Necessity for Margaret Cox to operate Golden C
-- carried Charter Limousine Service to operate up to three (3) vehicles in Wichita, Kansas, be approved. Motion
carried 7 to 0.

NEWMAN - IRB INDUSTRIAL REVENUE BOND PURCHASE OPTION – NEWMAN UNIVERSITY. (District V)

Agenda Report No. 01-1063.

On August 24, 1999 the Wichita City Council approved the issuance of \$11,350,000 Educational Facilities Revenue Bonds, Series IX, 1999. Bond proceeds were used to construct a new residence hall and to renovate existing residential space, located at 3100 McCormick Avenue. The Bonds are secured, in part, by a Lease Agreement with Newman University. ("Tenant").

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Under the provisions of the Lease Agreement the Tenant has the option, if all outstanding bonds and Trustee Fees have been paid, to purchase the facility from the City of Wichita for the sum of \$1,000. The City received notice from the Tenant of its intent to refinance the City of Wichita Educational Facilities Revenue Bonds through the Kansas Independent College Finance Authority on or after September 20, 2001.

Under the terms of the Lease, the City is required to convey the personal property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds. The Bonds will be defeased by cash escrow before the City's deed is delivered.

The purchase price is \$1,000 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the Resolution to authorize the execution of the various documents needed to effectuate the purchase option and the delivery of such documents following satisfaction of applicable conditions.

Motion --

Knight moved that the conveyance be approved and the Resolution approving the Special Warranty Deed, Bill of Sale, Termination and Release of 1999 Indenture, Termination and Release of Site Lease, and Termination and Release of Lease Agreement be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 01-397

A Resolution of the City of Wichita, Kansas, authorizing the City to convey title to a certain project; authorizing execution of a special warranty deed, bill of sale, termination and release of the lease, termination and release of the site lease and termination and release of 1999 indenture; and authorizing the execution of all such other documents necessary to convey title to such project to Newman University, Inc., presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PROPERTY ACQ.

ACQUISITION OF 544 SOUTH EDGEMOOR. (District II)

Agenda Report No. 01-1064.

The East Kellogg/Woodlawn Improvement Project was released for active acquisition in December 2000. One of the properties to be acquired is 544 S Edgemoor, owned by Robert E. Johnson.. The site contains 6,900 square feet and is improved with a 1,412 square foot frame single-family residence. The property has four bedrooms and two baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was valued at \$57,000. The owner has agreed to sell for \$60,000. The property is presently leased. The tenant will be relocated and the site will be processed for demolition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$70,000 is requested. This includes \$60,000 for the acquisition, \$5,000 for demolition, \$3,000 for relocation and \$2,000 for closing costs and title insurance.

Motion --

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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PROPERTY ACQ.

LAND ACQUISITION.

Agenda Report No. 01-1065.

The City has an extensive assemblage of land on the east bank of the Arkansas River south and east of the Century II/Expo Hall/Hyatt . The City has sought a private developer for the redevelopment of this area in the past, and has prepared a new Request for Proposal (RFP) to intensify solicitation for redevelopment prospects.

From past experience, a major impediment for attracting successful redevelopment of this area is the fragmented ownership of the land. The City is the largest landowner. Control of a significant tract is in private ownership east of Water Street and north of Lewis Street in the middle of the target redevelopment area; however, is essential if any redevelopment is to succeed. Acquisition of this remaining tract would place in City hands all property for redevelopment bounded by Main, Waterman, Wichita and Lewis, as well as the Arkansas River frontage to the west.

The City has secured an option to purchase the private holdings, at a cost slightly less than \$20 a square foot for the 44,294 square foot tract. Staff believes this is the lowest possible acquisition cost for this tract. Approval of the land acquisition will permit the RFP to be issued reflecting a cohesive target redevelopment area.

The funding for this acquisition can be made available from an existing capital project, Core Area Facilities. The cost is not-to-exceed \$900,000.

The City Attorney will approve the land purchase agreement and the bonding resolution as to legal form.

Motion --
-- carried

Knight moved that the acquisition, cost not to exceed \$900,000 be approved and the Bonding Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-398

A Resolution determining certain property in the City of Wichita, Kansas, to be slum or blighted and designating such property as an area appropriate for an urban renewal project; approving the acquisition of certain real property in said area; and declaring it to be the intention of the governing body to issue General Obligation Bonds of the City of Wichita to pay all or a portion of the costs of the acquisition of said real property, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CONDEMNATION

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 01-1066.

On August 6, 2001 the Board of Code Standards (BCSA) held a hearing on the following six (6) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

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	<u>Address</u>	<u>District</u>
1.	938 North Broadway	VI
2.	1310 North Market	VI
3.	1722 East Victor	I
4.	1248 South Wichita	I
5.	1801 South Mosley	III
6.	1847 South Everett	IV

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --
-- carried

Knight moved that the Resolutions placing this matter on the agenda for a Hearing before the Governing Body on November 6, 2001 at 10:30 a.m., be approved. Motion carried 7 to 0.

RESOLUTION NO. R-01-382

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 1, 2, 3, 4, 5, 6, 7, and 8, on Lawrence Avenue, now Broadway, Arlington, an Addition to Wichita, Sedgwick County, Kansas, known as, 938 North Broadway, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-383

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: the north 15 feet of Lot 1207 and all of Lots 1209 and 1211 on Market Street, Bush's Addition to Wichita, Sedgwick County, Kansas, known as 1310 North Market, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-384

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: lots 21-23 and 25-27, Overton now Victor, DC Masbacher's Addition, commonly known as 1726, 1724 and 1722 Victor, Wichita, Sedgwick County, Kansas, known as 1722 East Victor, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-385

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 46 and 48, Wichita Street, Nelson's Highland Addition to Wichita, Sedgwick County, Kansas, known as 1248 South Wichita, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. R-01-386

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 97 and the north one-half of Lot 99 on Mosley Avenue I Ranson & Kay's Second Addition to Wichita, Sedgwick County, Kansas, known as 1801 South Mosley, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-387

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 42 and 44, in Block K, in South University Place Addition to Wichita, Sedgwick County, Kansas, known as 1847 South Everett, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

WATER.

KANSAS PUBLIC WATER SUPPLY LOAN FUND PROGRAM.

Agenda Report No. 01-1067.

A loan agreement between the City of Wichita and the Kansas Department of Health and Environment was entered into effective June 1, 2000. The first draw on the loan was made in June 2000. The second draw on the loan was originally scheduled for March 1, 2001. However, the draw had to be postponed until October 1, 2001.

In order to close the second bond, it is necessary to amend the bond ordinance to reflect the corrections made to the draw down date, prepare and file a new bond and update the corresponding amortization schedule.

The principal amount of the second bond is \$4,580,000. This amount has already been calculated into the Water and Sewer Departments pro forma.

Motion --
-- carried

Knight moved that the Ordinance be placed on first reading and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita, Kansas, amending certain terms of the City's Water and Sewer Utility Revenue Bonds, Series 2000, in the original aggregate principal amount of \$7,220,000, introduced and under the rules laid over.

SPECIALS

PROPOSED ASSESSMENT ROLLS

Proposed Assessment Rolls have been prepared for twenty-two water, seventeen sewer, and three storm water sewer projects. It is necessary to set a public hearing date. Informal hearing with City personnel will be held October 8, 2001.

Motion --
-- carried

Knight moved that the public hearing be set for 11:00 a.m., October 16, 2001; and publication of notices be authorized. Motion carried 7 to 0.

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ SEPTEMBER 11, 2001)

- a) Health Care Facilities Refunding Revenue Bonds – Presbyterian Manors, Inc.

ORDINANCE NO.45-041

An Ordinance authorizing the City of Wichita, Kansas to issue its Health Care Facilities Refunding Revenue Bonds, Series VIII-A, 2001, Series VIII-B, 2001 and series VIII-C, 2001 (Presbyterian Manors, Inc.) in the aggregate principal amount of not to exceed \$25,000,000 for the purposes of refunding certain outstanding City of Wichita, Kansas, bonds and paying the cost of renovating and equipping certain health care facilities; prescribing the form and authorizing execution of a seventh supplemental bond indenture by and between the City and Intrust Bank, N.A., as Bond Trustee; prescribing the form and authorizing the execution of a Sixth Supplemental Lease Agreement by and between Presbyterian Manors, Inc. and the City; approving the form of the Guaranty Agreement to be executed in connection with the issuance of said bonds; authorizing execution of a Tax Compliance Agreement by and among the Issuer, the Bond Trustee and Presbyterian Manors, Inc.; authorizing execution of an Escrow deposit agreement by and among the issuer, Intrust Bank, N.A., as Escrow Trustee, and Presbyterian Manors, Inc.; approving the form of the remarketing Agreement to be executed in connection with the issuance of the Series VIII-B, 2001 and Series VIII-C 2001 Bonds; and authorizing the execution of a Bond Purchase Agreement by and between the City, Presbyterian Manors, Inc. and B.C. Ziegler and Company, as underwriter of the Bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) Industrial Revenue Bonds – Kansas Blue Print, Inc. (District I)

ORDINANCE NO. 45-042

A Ordinance of the city of Wichita, Kansas, authorizing the issuance of \$2,000,000 aggregate principal amount of taxable Industrial Revenue Bonds, Series VII, 2001 (KBP Reprographics, Inc.) for the purpose of providing funds to purchase, acquire, construct and equip a commercial and manufacturing facility; prescribing the form and authorizing execution of a trust indenture by and between the city and Intrust Bank, N.A., as Trustee with respect to the bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and Jerry A. Sims, L.L.C.; approving the form of a Guaranty Agreement; approving the sublease of the project to KBP Reprographics, Inc.; authorizing the execution of a Bond Placement Agreement by and between the City, Jerry A. Sims, L.L.C. KBP Reprographics, Inc. and Intrust Bank, N.A., as purchaser of the Bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) Health Department Transformation - creating New Health Department and Board.

CHARTER ORDINANCE NO. 160

A joint Charter Resolution exempting Sedgwick County, Kansas and Charter Ordinance exempting the City of Wichita, Kansas from certain provisions of K.S.A. 65-2201, et seq. relating to joint local Boards of Health and to appointment of the local health officer; providing substitute and additional provisions relating thereto; and repealing Charter Resolution 41 of Sedgwick County, Kansas and Charter Ordinance 136 of the City of Wichita, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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- d) Hospital Facility Leases – Riverside Health System. (District VI)

ORDINANCE NO. 45-043

An Ordinance of the city of Wichita, Kansas, consenting to the assignment of certain hospital facility leases from Riverside Health System, Inc. to Via Christi Riverside Medical Center, Inc.; authorizing the execution and delivery of an acknowledgment, acceptance and consent to assignment of leases by and between Riverside Health System, Inc., Via Christi Riverside Medical Center, Inc. and Intrust Bank, N.A., Wichita, Kansas, as Bond Trustee; approving a form of assumption of guaranty by and between Via Christi, Riverside Medical Center, Inc., and Intrust Bank, N.A., Wichita, Kansas, for the benefit of the owners of certain hospital facilities revenue bonds; authorizing the execution and delivery of, and consenting to, an assignment of remarketing agreement between Riverside Health System Inc., Via Christi Riverside Medical Center, Inc., Banc of America Securities LLC, as remarketing agent, and the City; authorizing the execution and delivery of the assignment of certain Administrative Service Fee Agreements between Riverside Health System, Inc., Via Christi Riverside Medical Center, Inc., and the City, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight

- e) Modification to the Rank Grass Ordinance 7.40.060.

ORDINANCE NO. 45-044

An Ordinance amending Section 7.40.060 of the Code of the City of Wichita, Kansas, pertaining to rank grass, weeds, or other vegetation as nuisances and repealing the original of said section, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- f) Release of Industrial Revenue Bond Property - The Coleman Company, Inc. (District V)

ORDINANCE NO. 45-045

An Ordinance authorizing execution and delivery of second amendment to lease, first amendment to site lease and first amendment to indenture, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- g) Weed mowing.

ORDINANCE NO. 45-046

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- h) ZON2000-39 - North of K-42 and MacArthur Road, west of Maize.

ORDINANCE NO. 45-047

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2000-39

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- i) PUD2000-01 - Southeast Corner of 127th Street East and Harry. (District II)

ORDINANCE NO. 45-048

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. PUD2000-01

- j) ZON2000-00043 - South of Maple, west of Auburn Hills Clubhouse Addition. (District V)

ORDINANCE NO. 45-049

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2000-00043

- k) ZON2001-00045 - Southeast corner of Mead and Third Street. (District VI)

ORDINANCE NO. 45-050

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2000-00045

- l) A01-14 – Southeast corner of 127th East and Harry. (District II)

ORDINANCE NO. 45-051

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PLANNING AGENDA

Dale Miller

Planning Department stated that Items 32-36 could be considered as consensus Items unless the Council desired to withhold other Items.

Motion --
-- carried

Knight moved that Planning Agenda Items 32-36 be approved as consensus Items. Motion carried 7 to 0.

VAC2001-00025

VAC2001-00025 – VACATE HORNECKER DRIVE AND PLATTED 30-FOOT SETBACK ON EAST SIDE – NORTHWEST OF HORNECKER-LYNNDAL INTERSECTION. (District V)

Agenda Report No. 01-1068.

Staff Recommendation: Approve vacation of Hornecker Drive the platted 30-foot setback on the east side of the property.

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MAPC Recommendation: Approve vacation of Hornecker Drive the platted 30-foot setback on the east side of the property. (unanimous)

The applicant proposes to use the Hornecker Drive and its ROW for himself. Currently this section of Hornecker resembles a tended yard. The applicant has stated that ATV (All Terrain Vehicle) riders use the unimproved road for access into the area around Auburn Hills Golf Course. The vacation would allow the applicant to control or shut off this ATV traffic. The applicant and neighbors have observed that the unimproved road has considerable drainage going through it. There have been 2 calls expressing concern over the applicant's intentions for development of this section of Hornecker in reference to the current drainage and how their property would be affected if there was grading or paving done on it. The Wells Acre Addition Plat (recorded April 14, 1969) dedicated this section of Hornecker Drive "to and for use of the public".

The vacation would not dead-end Hornecker or any other street. No properties would be denied access to existing streets by vacating this section of Hornecker. Current ownership of Lots 1 & 2, Blk A, Wells Acre Add, has these lots being split into an eastern half of Lots 1 & 2 (which the applicant owns) and a western half of Lots 1 & 2, both have direct access to Lyndale Street. All roads identified on the vicinity map are dirt with no curb and gutter.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2001-00031

VAC2001-00031 – VACATE PORTION OF RESERVE – SOUTHWEST OF 13TH STREET AND MAIZE ROAD INTERSECTION. (District V)

Agenda Report No. 01-1069.

Staff Recommendation: Approve vacation of a portion of reserve.

MAPC Recommendation: Approve vacation of a portion of reserve. (unanimous)

The applicant is requesting consideration to vacate a portion of a reserve abutting the south line of Lot 2, Blk 1, Huntington Place 6th Addition. The pie shaped portion (1,240 sq-ft, with the narrow end being at the rear of the yard and the wide end in the front yard) of the reserve that the applicant is requesting vacated would move the side yard setback (unplatted but per CUP DP 152 for interior side yard setback of 6-ft) back with the newly created property line, allowing the applicant to build a house without encroachment into the interior side setback of 6-ft. The applicant has a letter from the Huntington Place Owners Association stating that they are 'not protesting' the application. The reserve is currently being used for open space.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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VAC2001-00034

VAC2001-00034 – VACATE GLENDALE FROM BLAKE TO PAWNEE – NORTH OF PAWNEE, SOUTH OF BLAKE AND EAST OF OLIVER. (District III)

Agenda Report No. 01-1070.

Staff Recommendation: Approve vacation of Glendale Avenue between Pawnee Avenue and Blake Street.

MAPC Recommendation: Approve vacation of Glendale Avenue between Pawnee Avenue and Blake Street. (unanimous)

The applicant is requesting consideration to vacate the 60-ft wide portion of Glendale road and its ROW that runs from Blake to Pawnee; north to south a length of 285.36-ft. This section of Glendale is platted/dedicated on the McAdam Acres Plat, recorded 07-5-1951. The section is not developed and has a barrier on the south side of its intersection with Blake. Glendale is not platted to go beyond Pawnee, on its south side. Development abutting this section is an auto repair garage on the northwest side, a single-family residence on the northeast, a duplex on the southeast and a vacant lot on the southwest. This section of Glendale resembles a vacant lot. Development in this subdivision is duplex and single family residences with the exception of the auto repair garage and a tavern off the southeast corner of the Blake – Oliver intersection. Vacation of this section of Glendale would not affect the existing traffic patterns nor would it deny access to and from the neighborhood. Any use/development of the vacated section of Glendale that would revert to the abutting properties would have to meet current City standards, including using it for parking and storage by the auto repair garage. Currently the garage has unpaved parking and no screening between it and the adjacent residential zoning and uses.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2001-00039

VAC2001-00039 – VACATE PLATTED UTILITY EASEMENT – SOUTHWEST OF 31ST STREET SOUTH AT OLIVER INTERSECTION. (District III)

Agenda Report No. 01-1071.

Staff Recommendation: Approve vacation of utility easement.

MAPC Recommendation: Approve vacation of utility easement. (unanimous)

The applicant is requesting consideration to vacate the south 894.74-ft of a 20-ft utility easement on the east side of a part of Lot 1, the Turnpike Industrial 3rd Addition, recorded November 1988. The applicant is proposing the vacation to construct private power lines at this location.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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SUB2001-26

SUB2001-26 – PLAT OF COPART ADDITION – NORTH OF 47TH STREET SOUTH, EAST OF KANSAS TURNPIKE. (District III)

Agenda Report No. 01-1072.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This plat is zoned LI, Limited Industrial and is located within the City. A Conditional Use (CON 2000-04) for a wrecking/salvage yard has been approved for this site subject to platting.

City water services are available. Petitions, all 100%, have been submitted for paving and sewer improvements. A Certificate of Petitions has also been submitted. An agreement with the City has been provided regarding driveway construction over a sewer easement on the property. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. However, the applicant did not complete the plat within the one year deadline established by the MAPC as part of the Conditional Use approval. He applied for an administrative extension as allowed by adopted policy but the request was rejected. Therefore, the applicant is in effect appealing to the City Council to extend the deadline through approval of this plat.

The Certificates of Petitions, Agreement and restrictive covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 01-399

Resolution of findings of advisability and Resolution authorizing construction of Lateral 90, Main 1, Southwest Interceptor Sewer (north of 47th Street South, east of the Kansas Turnpike), 468-83306, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-400

Resolution of findings of advisability and Resolution authorizing construction of an asphalt mat hammerhead turnaround at the terminus of Madison (north of 47th Street South, east of the Kansas Turnpike), 472-83423, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

(Item No. 37)
ZON2001-00048
DP-184

ZON2001-00048 – ZONE CHANGE FROM NEIGHBORHOOD RETAIL TO LIMITED COMMERCIAL AND AMENDMENT TO DP-184 PEARSON FARMS C.U.P. PARCEL ONE TO ALLOW LARGER SIZED COMMERCIAL USES AND TO ADJUST SIGNAGE AND ARCHITECTURAL CONTROLS – WEST OF MAIZE ROAD ON THE SOUTH SIDE OF 21ST STREET NORTH – 10711 WEST 21ST STREET NORTH. (District V)

Dale Miller

Planning Department reviewed the Item.

Agenda Report No. 01-1073.

MAPC Recommendation: Approve (10-0).

Staff Recommendation: Approve.

DAB Recommendation: Will hear on September 10, 2001

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The applicant is proposing to amend DP-184 Pearson Farms Community Unit Plan and rezone Parcel 1 from "NR" Neighborhood Retail to "LC" Limited Commercial. The amendment would permit a large-item furniture store. Other requested changes are: increasing signage from 75 square feet to 150 square feet, allowing a moving sign, and allowing metal as an exterior material on the sides and rear elevations.

Proposed uses are: neighborhood shopping center uses including furniture stores, restaurants, retail shops, offices, medical and dental clinics, pharmacies, dry cleaning, laundry, barber and beauty shops, tailors, hardware, small animal clinics, grocery stores, fitness centers, and other similar shopping center uses.

Other provisions of the C.U.P. would remain the same.

Parcel 1 was zoned "NR" Neighborhood Retail in order to decrease the intensity and scale of potential commercial uses adjacent to the Timber Ridge Addition. The parcel configuration has a relatively short frontage on 21st Street North of 163 feet, compared with its depth of nearly 600 feet. This makes the lot difficult to use for smaller scale retail shops unless they would be oriented to the east with the rear service areas of the shops backing onto Timber Ridge Addition. The applicant is seeking to utilize the lot by placing a relatively narrow building facing onto 21st Street.

Retail uses are located east of the property and to the north of 21st Street. The closest use is Denning's Greenhouse, bordered by U-Stor and a new strip center under development. Significant retail expansion is underway to the north of 21st Street as the planned development for NewMarket Square. Emprise Bank is adding a new facility along 21st and two other parcels remain vacant. Wal-Mart is under construction to the north, followed by the shops at NewMarket Square. Westlink Christian Church is constructing new facilities on the property to the south of the application area. The property to the west is developed as Timber Ridge Addition with single-family residences.

At the MAPC meeting held August 23, 2001, the MAPC voted (10-0) to approve subject to staff comments with the following revisions: metal shall not be permitted as an exterior building material on the north, east and west façade, the maximum size of sign shall be 107 square feet as measured around the perimeter of the sign, that service station shall be added to the list of prohibited uses for Parcel 1, that cross-lot circulation with Parcel 2 be waived so long as Parcel 2 remains in use as greenhouse, that trees planted on the west side be equal in height to the screening wall, and that lighting be shielded from the properties to the west. There was discussion of the use of an electronic message board. Staff indicated that an electronic message board that does not change messages more frequently than every 20-30 seconds would not be considered a moving sign and would be permitted by the C.U.P. as it is currently in effect. There were several neighbors spoke in opposition to the use of metal exterior on the west side and asked for good landscaping, a higher screening wall, and the shielding of lighting away from the residential area.

District V Advisory Board heard the case on September 10, 2001.

Motion --

Martz moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the Zone change and C.U.P. Amendment, subject to recommended conditions, be approved, subject to the recommended conditions, and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2001-00048

(Item No. 38)

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ZON2001-00047

ZON2001-00047 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO NEIGHBORHOOD RETAIL AND GENERAL OFFICE – EAST SIDE OF MAIZE ROAD, ½ MILE NORTH OF 21ST STREET NORTH. (District V)

Dale Miller

Planning Department reviewed the Item.

Agenda Report No. 01-1074.

MAPC Recommendation: Approve (10-0).

Staff Recommendation: Denied.

The application area consists of a 3-acre, unplatted parcel on the east side of Maize Road, ½ mile north of 21st Street North. The undeveloped property is currently zoned “SF-5” Single Family. The owner/applicant also owns the abutting “SF-5” zoned parcel to the east. The applicant is requesting “NR” Neighborhood Retail on the western 1.45 acres of the application area, and “GO” General Office on the eastern 1.55 acres of the application area.

The application area abuts “SF-5” zoned property to the north, east, and south. Across Maize Road and to the west of the application area is the New Market Square CUP, New Market is developed on property zoned “LC” Limited Commercial, and “GO” General Office. To the north of the application area sits the Cadillac Lake floodplain area.

The proposed zone change, from “SF-5” to “NR” and “GO,” would require platting, and conformance to all property development standards in the Unified Zoning Code, including compatibility setbacks, screening and landscaping. As the application area sits just south of a floodplain area, drainage would have to be addressed at the time of platting.

At the MAPC hearing on August 23rd, 2001, the applicant’s agent spoke in support of the requested zone change. The Planning Staff received two letters from neighbors opposed to the requested zone change; these letters were distributed to the MAPC members. Several neighbors spoke at the hearing in opposition of the requested zone change. The opposing neighbors cited storm drainage problems from the application area bordering their properties, a change in neighborhood character, an increase in traffic in the area, and availability of office and retail zoned property across Maize in the New Market Square development. The MAPC voted (10-0) to approve the zone change request, subject to platting within one year and subject to the following Protective Overlay:

The property shall be developed with a masonry screen wall and landscaping along the south boundary of the application area.

District V Advisory Board heard the case on September 10, 2001

Motion --

Martz moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to platting within one year and Protective Overlay District, and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

(Item No. 39)

ZON2001-00046

ZON2001-00046 – AMENDMENT TO PROTECTIVE OVERLAY NO. 14 (Z-3221) TO WAIVE REQUIREMENT FOR MASONRY SCREENING WALL ON PROPERTY ZONED LIMITED INDUSTRIAL – WEST OF INTERSECTION OF SOUTH HILLSIDE AND ROSS PARKWAY – 2853 SOUTH HILLSIDE. (District III)

Dale Miller

Planning Department reviewed the Item.

Agenda Report No. 01-1075.

MAPC Recommendation: Approve (10-0) as applied for by applicant.

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Staff Recommendation: Approve, subject to staff comments.

DAB Recommendation: Approve, subject to staff comments (6-0).

The applicant requests an amendment to Protective Overlay (PO) #14 which would waive the requirement for a masonry-screening wall. The PO, requiring the masonry-screen wall, was created as a part of a zone change (Z-3221) from "SF-6" Single Family and "LC" Limited Commercial zoning to "LI" Limited Industrial zoning.

The application area is located on the west side of S. Hillside, just west of the S. Hillside and Ross Parkway intersection. The 2.2-acre site is occupied by Precision Metalcraft, an aircraft part manufacturer. The application area is bounded to the north by property zoned "LC" Limited Commercial, and "SF-5" Single Family, the land uses to the north are a single-family residence and a bakery. The application area is bounded to the south by property zoned "LC" Limited Commercial, and "SF-5" Single Family; the land uses to the south are vehicle repair, and single-family residences. The application area is bounded to the west by a heavily vegetated drainage way, and the Joyland Amusement Park; the property to the west of the application area is zoned "SF-5."

The application area was rezoned in 1997 from "LC" and "SF-6" to "LI," the zone change case is Z-3221. At the time of the zone change, only the east 300 feet of the application area property was developed. The zone change request was approved subject to protective overlay restrictions (PO #14) which state:

1. The uses allowed on the portion of the property west of the east 300 feet shall be limited to machine shop, warehouse, and accessory parking. All other uses permitted in the "LI" district are allowed on the east 300 feet of the property.
2. There shall be no delivery service allowed on the portion of the property west of the east 300 feet between the hours of 11:00 PM and 6:00 AM.
3. The required screening, where adjacent to residential zoning, shall be constructed at the time the portion of the property west of the east 300 feet is developed, and shall be a solid masonry wall at least 6 feet in height.

Research into the 1997 zone change at this location indicates that the masonry screen wall portion of the PO, which the applicant agreed to at that time, is a direct response to noise concerns by the residential neighbors, specifically the residential neighbors to the south of the application area. The existing PO, PO #14, states that the masonry wall requirement, where adjacent to residential zoning, shall be constructed when the western portion of the property is developed. The western portion of the property is now being developed, and the applicant is now requesting to amend the PO, to waive the masonry screen wall requirement.

Planning staff recommends that PO #14 item 3 be amended to read: "Screening shall be in accordance with the Unified Zoning Code, except where adjacent to residential uses along the south property line. Screening adjacent to residential uses along the south property line shall be constructed at the time the portion of the property west of the east 300 feet is developed, and shall be a solid masonry wall at least 6 feet in height." This amendment would have the effect of keeping the masonry screen wall commitment with the residential neighbors, without the burden of providing a masonry screen wall where no residential use exists.

MAPC heard the request on August 23rd, 2001. At that hearing the agent for the applicant indicated a desire to eliminate item 3 of PO #14 altogether, so as to completely waive any requirement for a masonry screen wall. No members of the public chose to speak for or against the application at the MAPC hearing. The MAPC voted (10-0) to approve the Amendment to Protective Overlay #14, as applied for by the applicant, eliminating item 3 from PO #14.

DAB III heard the request on September 4th, 2001. At that hearing neither the applicant nor members of the public chose to speak for or against the application. DAB III members discussed the application and specifically the 1997 zone change of the application area, the concerns of neighbors to the south of the application area at the time of the zone change, and the commitment made to the neighbors for a masonry screen wall to mitigate industrial uses and associated noises on the residential neighbors. The DAB III members voted (6-0) to approve the staff recommended amendment to item 3 of PO #14.

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Motion --

Lambke moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the City Council concur with the findings of the Planning Staff and approve the Amendment to Protective Overlay #14, specifically the revision of item 3 as recommended by the Planning Staff; approve the first reading of the ordinance. Motion carried 7 to 0.

-- carried

ORDINANCE

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EXECUTIVE SESSION

Motion --

Knight moved that the City Council recess and move to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, legal advice, and contract negotiations; and that the Council return from executive session no earlier than 11:25 a.m. Motion carried 7 to 0.

RECESS

The City Council recessed at 10:42 a.m. and reconvened at 11:35 a.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 11:35 a.m.

Pat Burnett CMC
City Clerk